

Remarks

Applicants are amending the specification herein to correct obvious typographical errors in paragraphs 15, 46, 87 and 120. No new matter is added. Applicants request entry of these amendments to the specification.

Claims 1-4, 10-16, 23-25, 32-34 and 53-54 are pending in the application and stand rejected. The Office asserts that the claims read upon GAD-specific MHC Class II complexes of I-Ag7 or HLA-DQ haplotype, and states that the claimed invention now is broader than the recombinant construct of a GAD peptide linked to an MHC Class II beta chain. Applicants would like to point out that claim 1 as amended recites a complex which comprises "a recombinant peptide chain comprising..." an I-Ag7 or DQ β chain and a GAD peptide. Claim 2 is amended to clarify that the complex further comprises the α chain portion.

Claims 1-4, 13-16, 23-25, 32-34 and 53-54 are rejected as failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. Applicants have amended independent claims 1 and 23 to incorporate the limitations of claim 10 into the independent claims. Claim 10 therefore is canceled and claims 11-12 are amended as to dependency. The claims now recite peptides selected from the group consisting of SEQ ID NOS:1-13. Applicants submit that this amendment overcomes the rejection and request that it be withdrawn.

Claims 1-4, 10-13, 15, 23-24 and 32-34 are rejected as anticipated by Yu et al. The Yu et al. journal article bears a date of 2000 and was received for publication on March 8, 2000 as indicated on the front page of the article. Therefore, although the exact publication date is not indicated on the reference, the

publication date can be no earlier than March 8, 2000. The present application was filed as a provisional application February 15, 2001, which is less than one year later than this date. The provisional application from which the present application claims priority discloses MHC Class II, I-Ag7 and HLA-DQ complexes having a GAD peptide, discloses α and β chains with removal of transmembrane regions and discloses GAD peptides of SEQ ID NOS:1-13 of the present application. The provisional application supports the claims here presented and discloses at least the subject matter of Yu et al. cited in the Office Action which may be relevant to the claims presented here. The Yu et al. article therefore qualifies as prior art under 35 U.S.C. § 102(a), as indicated in the Office Action, page 4, line 7.

Applicants are submitting herewith a Declaration pursuant to 37 C.F.R. § 1.131, signed by the inventors of the present invention. In this declaration, the inventors state that the claimed invention was made prior to March 8, 2000, and submit in support of this statement, copies of pages from the laboratory notebook of Wei-Jen Lin, Ph.D., which reflect the work of Dr. Chih-Pin Liu and Dr. Wei-Jen Lin and show reduction to practice of the invention. The entries of these pages were made by Dr. Lin and by persons working under the supervision of Dr. Liu and Dr. Lin at the time the experimental work was carried out and/or dated contemporaneously. All of the dates on the original pages predate March 8, 2000. The dates on the photocopies of the pages have been redacted, but the pages otherwise are accurate copies of the original pages. These pages show that all steps necessary to render the subject invention complete were made in the United States prior to or by the date on which the last of the original pages were dated.

In particular, Applicants would like to point to Exhibit 4, which contains entries showing completion and sequencing of plasmids containing nucleotides that encode the GAD peptide complex, Exhibit 6, which contains entries describing expression of the protein in SF9 insect cell and its purification, and Exhibits 8-10, which present data using the complexes.

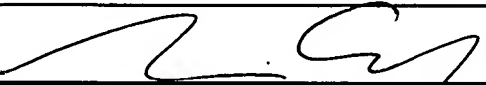
In view of the Declaration under 37 C.F.R. § 1.131, Applicants respectfully submit that the disclosures of the Yu et al. reference have been antedated and that the Yu et al. reference cannot be considered as prior art against the pending claims. Applicants respectfully submit that the rejection of claims 1-4, 10-13, 15, 23-24 and 32-34 as anticipated by Yu et al. is no longer proper. Applicants therefore request that this rejection be withdrawn.

Claims 1-2, 14, 16, 23 and 25 are rejected under 35 U.S.C. § 103 as obvious over Yu et al. in view of the Rhode et al. patent. Applicants respectfully submit that the Yu et al. reference has been antedated as discussed above and does not qualify as prior art against the claims presented here. The rejection of these claims over the combination of Yu et al. and Rhode et al. therefore is not proper and should be withdrawn.

Claims 1, 23 and 53-54 are rejected under 35 U.S.C. § 103 as obvious over Yu et al. in view of Altman et al. Because the Yu et al. reference has been removed as prior art by the accompanying Declaration under 37 C.F.R. § 1.131, this rejection also is not proper and should be withdrawn.

Application Ser. No. 10/074,257
Reply to Office Action dated October 11, 2005

Applicants request withdrawal of all rejections based on the Yu et al. reference, and reconsideration of the present application in light of the present amendments, remarks and Declaration.

RESPECTFULLY SUBMITTED,					
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